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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of )

Reexamination of the Policy )  
Statement on Comparative )  
Broadcast Hearings )

GC Docket No. 92-52

REPLY COMMENTS OF THE WB TELEVISION NETWORK

The WB Television Network ("The WB")<sup>1</sup> submits these Reply Comments in response to comments filed pursuant to the Commission's Second Further Notice of Proposed Rulemaking in the above-captioned proceeding. The WB is a new, national television network that will debut in January 1995. The Commission's freeze order is directly affecting The WB's efforts to establish the new network by delaying the issuance of television licenses and thus limiting potential affiliates. The WB thus respectfully urges the Commission to resolve this proceeding expeditiously so that the freeze order on comparative hearings can be lifted and television licenses can once again be granted.

1 The WB is a partnership, one of whose general partners is Warner Bros. Communications, a division of Time Warner Entertainment Company, L.P.

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In their comments, numerous parties have addressed the need for Commission expediency in establishing criteria for comparative broadcast hearings. Those parties cogently argue that the Commission can best serve the public interest by quickly providing dispositive determinations of pending applications.<sup>2</sup> The WB supports those arguments and seeks by these Reply Comments to emphasize the critical importance of a speedy resolution of these proceedings. Delay only serves to deny the public the many benefits of additional broadcast stations -- including, of particular interest to The WB, a greater number of affiliation opportunities with which to build a new television network.

The WB, scheduled to launch in January 1995, will compete with the four existing over-the-air networks through affiliations with currently independent television stations. To have any chance of success, The WB must affiliate with a sufficient number of television stations to achieve nationwide penetration. In many markets, however, there is no existing over-the-air broadcast station with which The WB can affiliate. Accordingly, part of The WB's strategy for gaining a sufficient number of affiliates necessarily includes affiliating with new television stations. Because many of these stations are still in the comparative process and thus subject to the freeze

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<sup>2</sup> See, e.g., Comments of Scripps Howard Broadcasting Company at 4-5; Comments of Giles Television, Inc. at 1-2; Comments of Rio Grande Broadcasting Co. at 4.

order, The WB's efforts have been stymied in a number of markets.

The Commission has long advocated the need for additional television networks to provide "competition with the established networks" and to "precipitate an increase in the amount of programming available to broadcast stations not affiliated with the[] established networks."<sup>3</sup> The Commission has also recognized that network economies of scale enhance the type of programming available to viewers by fostering news gathering, editorializing, and public affairs programming.<sup>4</sup> As the Commission noted, "efficiencies that might flow from the stations forming the nucleus of a new network" would "permit the production of new and diverse, including locally produced, programming."<sup>5</sup> Indeed, affiliating with a network has proven to be a major boost to fledgling and marginal independent stations.<sup>6</sup>

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3 Evaluation of the Syndication and Financial Interest Rules, 8 FCC Rcd 8270, 8303 (1993); see also Amendment of Section 73.3555 of the Commission's Rules Relating to Multiple Ownership of AM, FM, and Television Broadcast Stations, 100 F.C.C. 2d 17, 45 (1984) ("Multiple Ownership") (relaxing restrictions on multiple ownership advances "Commission's diversity goal by providing alternatives to the three television networks").

4 Multiple Ownership at 45.

5 Review of the Commission's Regulations Governing Television Broadcasting, Notice of Proposed Rulemaking, 7 FCC Rcd 4111, 4113 (1992).

6 See, e.g., Stephanie Riegel, Fox Affiliation Helps WNOL Buck Downturn in Television Advertising, New Orleans City (Footnote 6 Continued)

The longer the freeze order is in effect, the longer the public is deprived of new broadcast stations, which in turn adversely affects the growth and viability of an additional television network. Any unnecessary delay thus contravenes the Commission's policy of promoting a diversity of voices and competition in the broadcast industry.

For the aforementioned reasons, The WB urges the Commission to act expeditiously to resolve this proceeding so that the freeze can be lifted and licenses can be granted.

Respectfully submitted,



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(Footnote 6 Continued)

Business, June 8, 1992, at 6 (noting that former struggling independent station WNOL-TV now enjoys higher ratings and revenue as a result of its affiliation with the Fox network).